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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:19854 of 2006

DATED: 16-10-2006

Between:

1. The Collector, Ranga Reddy District, Hyderabad and 2 others

..... PETITIONERS

AND

Shaik Mohammad

.....RESPONDENT

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ORDER:(per Hon'ble Sri Justice Ramesh Ranganathan)

Heard learned Government Pleader for Services-II and Sri J.R.Manohar Rao, learned counsel for the respondent-applicant and at their request the writ petition has been finally heard and disposed of.

The present writ petition is filed, aggrieved by the order of the Tribunal, in O.A.No.1185 of 2006 dated 07-03-2006, wherein the Tribunal, on perusal of the records, recorded a finding that it was a simple matter and, placing reliance on the guidelines issued in Memo dated 28-07-2003 wherein it was stated that in simple matters enquiry has to be concluded within three months and in complicated matters within a period of six months, held that it was sufficient if the petitioners herein were directed to finalise disciplinary proceedings and pass final orders within a period of three months from the date of receipt of a copy of the order and, if for any reason they were not able to conclude the disciplinary proceedings within the stipulated time, the respondent-applicant should be reinstated into service, without prejudice to the pendency of disciplinary proceedings.

Learned Government Pleader for Services II would submit that since the respondent-applicant has already been reinstated into service, to the extent it had directed that he be reinstated, the order of the Tribunal is not under challenge. Learned Government Pleader would, however, refer to the proceedings of the District Collector, Ranga Reddy dated 20-02-2006 wherein the allegations made against the respondent-applicant are that he had committed major irregularities in utilizing the relief amount sanctioned by the Government for rehabilitation to the distressed

family of the deceased farmer Smt.Vadla Sulochana in grounding the scheme for purchase of Buffaloes, sheep and Milch Animals, had misappropriated the amount sanctioned by the Government and had also violated the instructions issued by the Government in G.O.Ms.No.421 Rev.(DA-II) Department, dated 01-06-2004. Learned Government Pleader would submit that, in view of the serious allegations including that of misappropriation levelled against the respondent-applicant, the Tribunal had erred in coming to the conclusion that the matter was simple.

As to whether the matter involved is simple or complicated would depend upon the facts and circumstances of each case and it is not, normally, for Courts/Tribunals, to take upon itself the task of determining such questions and to decide whether the matter is simple or complicated.

In any event, since the proceedings dated 20-02-2006 would reveal that the allegations leveled against the respondent-applicant are grave and serious in nature, we leave it open to the petitioners herein to hold a departmental enquiry and take appropriate action against the respondent-applicant in accordance with law. Since the petitioners herein are not aggrieved by the order of the Tribunal directing that the respondent-applicant be reinstated into service, that portion of the order of the Tribunal does not necessitate interference.

The Writ Petition is disposed of accordingly. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

16th October, 2006

SKM